

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KERRY DEVIN O'BRYAN,

Plaintiff(s),

CASE NO. 05-73226

v.

HONORABLE AVERN COHN

BUREAU OF PRISONS, et al,

Defendant(s).

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**ORDER DENYING PLAINTIFF'S MOTION FOR RETURN
OF OVERPAYMENT OF PLRA FILING FEE**

Before the Court is plaintiff's Motion for Return of Overpayment of PLRA Filing Fee. Plaintiff seeks the return of \$163.72 as an overpayment of the filing fee. After researching the matter the Court has determined that plaintiff is not entitled to a refund and actually owes an outstanding balance of \$107.00.

Plaintiff initially filed this matter in the Southern District of Illinois. Prior to the case being transferred to the Eastern District of Michigan, plaintiff also filed two separate appeals to the Sixth Circuit Court of Appeals, Case Nos. 02-4012 and 04-3786. The breakdown of filing fees are as follows:

USDC ILS	Case No. 02-0016-MJR	Filing Fee	\$150.00
Appeal	Case No. 02-4012	Filing Fee	\$105.00
Appeal	Case No. 04-3786	Filing Fee	<u>\$255.00</u>
Total Filing Fees			\$510.00

The total monies collected by the Southern District of Illinois and the Eastern District of Michigan and credited to the plaintiff are as follows:

USDC ILS	\$150.00
USDC ILS	\$ 89.43
USDC MIE	<u>\$ 163.57</u>
Total Monies Credited to Plaintiff	\$ 403.00

The transfer of the case from the Southern District of Illinois to the Eastern District of Michigan did not discharge the remaining balance of fees owing.

Under Rule 3 of the Federal Rules of Civil Procedure and Rule 3(a) of the Federal Rules of Appellate Procedure, a “civil action” is commenced when a complaint is filed, and an “appeal” is taken when a notice of appeal is filed. In compliance with 28 U.S.C. §1915(b)(1) prisoners must pay the “full amount of a filing fee” for each “civil action” commenced or “appeal” filed. Fees required by statute are not Court specific and must be collected accordingly. Therefore,

IT IS ORDERED that the motion is DENIED. Plaintiff owes a balance of \$107.00 which must still be collected in accordance with the Prisoner Litigation Reform Act.

SO ORDERED.

Dated: June 14, 2012

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 14, 2012, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160